

Gary T. Lafayette (SBN 88666)
glafayette@lkclaw.com
Brian H. Chun (SBN 215417)
bchun@lkclaw.com
LAFAYETTE & KUMAGAI LLP
1300 Clay Street, Suite 810
Oakland, California 94612
Telephone: (415) 357-4600

Steven A. Zalesin (*Pro Hac Vice*)
sazalesin@pbwt.com
Jane Metcalf (*Pro Hac Vice*)
jmetcalf@pbwt.com
Dakotah M. Burns (*Pro Hac Vice*)
dburns@pbwt.com

1133 Avenue of the Americas
New York, New York 10036
Telephone (212) 336-2110

Attorneys for Defendant The Coca-Cola Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GARY REYNOLDS, on behalf of himself, all others similarly situated, and the general public,

Case No. 3:23-cv-01446-VC

Plaintiff,

1

THE COCA-COLA COMPANY.

Defendant.

**DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT**

Defendant The Coca-Cola Company (“Coca-Cola”), by and through its attorneys, hereby submits its Answer and Affirmative Defenses to the Complaint of Plaintiff Gary Reynolds as follows:

INTRODUCTION

1. Paragraph 1 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge

sufficient to admit or deny the allegations in Paragraph 1.

2. Paragraph 2 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 2.

3. Coca-Cola denies the allegations in Paragraph 3. Coca-Cola further notes that the Court has already dismissed Plaintiff's claims related to the "Good For You" representation (Dkt. No. 50).

4. Paragraph 4 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 4.

5. Paragraph 5 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 5.

JURISDICTION & VENUE

6. Paragraph 6 contains legal conclusions and therefore no response is required. Coca-Cola respectfully refers the Court to 28 U.S.C. § 1332 for a full and accurate recitation of its provisions.

7. Paragraph 7 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 7.

8. Paragraph 8 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 8.

DIVISIONAL ASSIGNMENT

9. Paragraph 9 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 9.

PARTIES

10. Paragraph 10 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 10.

11. Coca-Cola admits the allegations in Paragraph 11.

FACTS

I. COCA-COLA MARKETS THE JUICE BOXES AS HEALTHY

12. Coca-Cola admits that it operates worldwide and that, as a public company, its key financial data is publicly available.

13. Coca-Cola admits the allegations in Paragraph 13.

14. Coca-Cola admits that the products at issue are 6 fluid ounces. Coca-Cola further admits that the products can be sold in packs of eight, that they contain between 19g and 21g of sugar, and that they contain between 80 and 90 calories.

15. Coca-Cola denies the allegations in Paragraph 15.

16. Coca-Cola denies the allegations in Paragraph 16.

17. Coca-Cola admits that the phrase “Good for You!” and the phrase “Part of a Healthy, Balanced Diet” appear on the labels of the Juice Boxes. Coca-Cola otherwise denies the allegations in Paragraph 17. Coca-Cola further notes that the Court has already dismissed Plaintiff’s claims related to the “Good For You” representation (Dkt. No. 50).

18. Coca-Cola admits that images of fruit appear on the labels of the Juice Boxes. Coca-Cola otherwise denies the allegations in Paragraph 18.

19. Paragraph 19 contains no allegations directed to Coca-Cola, and therefore no response is required. Coca-Cola avers that the photograph in Paragraph 19 speaks for itself.

20. Paragraph 20 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 20.

II. SCIENTIFIC EVIDENCE DEMONSTRATES THAT CONSUMING JUICE, LIKE COCACOLA'S JUICE BOXES, IS UNHEALTHY

A. While Consuming Whole Fruit is Beneficial to Health, Processing it into Juice Renders it Harmful to Health

21. Paragraph 21 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 21.

22. Paragraph 22 contains no allegations directed to Coca-Cola, and therefore no

1 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
2 knowledge sufficient to admit or deny the allegations in Paragraph 22.

3 23. Paragraph 23 contains no allegations directed to Coca-Cola, and therefore no
4 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
5 knowledge sufficient to admit or deny the allegations in Paragraph 23.

6 24. Paragraph 24 contains no allegations directed to Coca-Cola, and therefore no
7 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
8 knowledge sufficient to admit or deny the allegations in Paragraph 24.

9 25. Paragraph 25 contains no allegations directed to Coca-Cola, and therefore no
10 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
11 knowledge sufficient to admit or deny the allegations in Paragraph 25.

12 26. Paragraph 26 contains no allegations directed to Coca-Cola, and therefore no
13 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
14 knowledge sufficient to admit or deny the allegations in Paragraph 26.

15 27. Paragraph 27 contains no allegations directed to Coca-Cola, and therefore no
16 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
17 knowledge sufficient to admit or deny the allegations in Paragraph 27.

18 28. Paragraph 28 contains no allegations directed to Coca-Cola, and therefore no
19 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
20 knowledge sufficient to admit or deny the allegations in Paragraph 28.

21 29. Paragraph 29 contains no allegations directed to Coca-Cola, and therefore no
22 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
23 knowledge sufficient to admit or deny the allegations in Paragraph 29.

24 30. Paragraph 30 contains no allegations directed to Coca-Cola, and therefore no
25 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
26 knowledge sufficient to admit or deny the allegations in Paragraph 30.

27 31. Paragraph 31 contains no allegations directed to Coca-Cola, and therefore no
28 response is required. To the extent a response is deemed required, Coca-Cola lacks information or

1 knowledge sufficient to admit or deny the allegations in Paragraph 31.

2 32. Paragraph 32 contains no allegations directed to Coca-Cola, and therefore no
3 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
4 knowledge sufficient to admit or deny the allegations in Paragraph 32.

5 **B. Juice Consumption Increases Risk of Cardiovascular Heart Disease**

6 33. Paragraph 33 contains no allegations directed to Coca-Cola, and therefore no
7 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
8 knowledge sufficient to admit or deny the allegations in Paragraph 33.

9 34. Paragraph 34 contains no allegations directed to Coca-Cola, and therefore no
10 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
11 knowledge sufficient to admit or deny the allegations in Paragraph 34.

12 35. Paragraph 35 contains no allegations directed to Coca-Cola, and therefore no
13 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
14 knowledge sufficient to admit or deny the allegations in Paragraph 35.

15 36. Paragraph 36 contains no allegations directed to Coca-Cola, and therefore no
16 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
17 knowledge sufficient to admit or deny the allegations in Paragraph 36.

18 37. Paragraph 37 contains no allegations directed to Coca-Cola, and therefore no
19 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
20 knowledge sufficient to admit or deny the allegations in Paragraph 37.

21 38. Paragraph 38 contains no allegations directed to Coca-Cola, and therefore no
22 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
23 knowledge sufficient to admit or deny the allegations in Paragraph 38.

24 39. Paragraph 39 contains no allegations directed to Coca-Cola, and therefore no
25 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
26 knowledge sufficient to admit or deny the allegations in Paragraph 39.

27 40. Paragraph 40 contains no allegations directed to Coca-Cola, and therefore no
28 response is required. To the extent a response is deemed required, Coca-Cola lacks information or

1 knowledge sufficient to admit or deny the allegations in Paragraph 40.

2 41. Paragraph 41 contains no allegations directed to Coca-Cola, and therefore no
 3 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 4 knowledge sufficient to admit or deny the allegations in Paragraph 41.

5 42. Paragraph 42 contains no allegations directed to Coca-Cola, and therefore no
 6 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 7 knowledge sufficient to admit or deny the allegations in Paragraph 42.

8 **C. Juice Consumption Increases Risk of Type 2 Diabetes**

9 43. Paragraph 43 contains no allegations directed to Coca-Cola, and therefore no
 10 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 11 knowledge sufficient to admit or deny the allegations in Paragraph 43.

12 44. Paragraph 44 contains no allegations directed to Coca-Cola, and therefore no
 13 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 14 knowledge sufficient to admit or deny the allegations in Paragraph 44.

15 45. Paragraph 45 contains no allegations directed to Coca-Cola, and therefore no
 16 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 17 knowledge sufficient to admit or deny the allegations in Paragraph 45.

18 46. Paragraph 46 contains no allegations directed to Coca-Cola, and therefore no
 19 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 20 knowledge sufficient to admit or deny the allegations in Paragraph 46.

21 47. Paragraph 47 contains no allegations directed to Coca-Cola, and therefore no
 22 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 23 knowledge sufficient to admit or deny the allegations in Paragraph 47.

24 48. Paragraph 48 contains no allegations directed to Coca-Cola, and therefore no
 25 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 26 knowledge sufficient to admit or deny the allegations in Paragraph 48.

27 49. Paragraph 49 contains no allegations directed to Coca-Cola, and therefore no
 28 response is required. To the extent a response is deemed required, Coca-Cola lacks information or

1 knowledge sufficient to admit or deny the allegations in Paragraph 49.

2 50. Paragraph 50 contains no allegations directed to Coca-Cola, and therefore no
3 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
4 knowledge sufficient to admit or deny the allegations in Paragraph 50.

5 51. Paragraph 51 contains no allegations directed to Coca-Cola, and therefore no
6 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
7 knowledge sufficient to admit or deny the allegations in Paragraph 51.

8 52. Paragraph 52 contains no allegations directed to Coca-Cola, and therefore no
9 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
10 knowledge sufficient to admit or deny the allegations in Paragraph 52.

11 53. Paragraph 53 contains no allegations directed to Coca-Cola, and therefore no
12 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
13 knowledge sufficient to admit or deny the allegations in Paragraph 53.

14 54. Paragraph 54 contains no allegations directed to Coca-Cola, and therefore no
15 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
16 knowledge sufficient to admit or deny the allegations in Paragraph 54.

17 **D. Juice Consumption Increases Risk of Metabolic Disease**

18 55. Paragraph 55 contains no allegations directed to Coca-Cola, and therefore no
19 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
20 knowledge sufficient to admit or deny the allegations in Paragraph 55.

21 56. Paragraph 56 contains no allegations directed to Coca-Cola, and therefore no
22 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
23 knowledge sufficient to admit or deny the allegations in Paragraph 56.

24 57. Paragraph 57 contains no allegations directed to Coca-Cola, and therefore no
25 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
26 knowledge sufficient to admit or deny the allegations in Paragraph 57.

27 58. Paragraph 58 contains no allegations directed to Coca-Cola, and therefore no
28 response is required. To the extent a response is deemed required, Coca-Cola lacks information or

1 knowledge sufficient to admit or deny the allegations in Paragraph 58.

2 59. Paragraph 59 contains no allegations directed to Coca-Cola, and therefore no
 3 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 4 knowledge sufficient to admit or deny the allegations in Paragraph 59.

5 60. Paragraph 60 contains no allegations directed to Coca-Cola, and therefore no
 6 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 7 knowledge sufficient to admit or deny the allegations in Paragraph 60.

8 **E. Juice Consumption Increases Risk of Liver Disease**

9 61. Paragraph 61 contains no allegations directed to Coca-Cola, and therefore no
 10 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 11 knowledge sufficient to admit or deny the allegations in Paragraph 61.

12 62. Paragraph 62 contains no allegations directed to Coca-Cola, and therefore no
 13 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 14 knowledge sufficient to admit or deny the allegations in Paragraph 62.

15 63. Paragraph 63 contains no allegations directed to Coca-Cola, and therefore no
 16 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 17 knowledge sufficient to admit or deny the allegations in Paragraph 63.

18 **F. Juice Consumption Increases Risk of Obesity**

19 64. Paragraph 64 contains no allegations directed to Coca-Cola, and therefore no
 20 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 21 knowledge sufficient to admit or deny the allegations in Paragraph 64.

22 65. Paragraph 65 contains no allegations directed to Coca-Cola, and therefore no
 23 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 24 knowledge sufficient to admit or deny the allegations in Paragraph 65.

25 66. Paragraph 66 contains no allegations directed to Coca-Cola, and therefore no
 26 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 27 knowledge sufficient to admit or deny the allegations in Paragraph 66.

28 67. Paragraph 67 contains no allegations directed to Coca-Cola, and therefore no

1 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 2 knowledge sufficient to admit or deny the allegations in Paragraph 67.

3 68. Paragraph 68 contains no allegations directed to Coca-Cola, and therefore no
 4 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 5 knowledge sufficient to admit or deny the allegations in Paragraph 68.

6 69. Paragraph 69 contains no allegations directed to Coca-Cola, and therefore no
 7 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 8 knowledge sufficient to admit or deny the allegations in Paragraph 69.

9 70. Paragraph 70 contains no allegations directed to Coca-Cola, and therefore no
 10 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 11 knowledge sufficient to admit or deny the allegations in Paragraph 70.

12 **G. Juice Consumption Increases Risk of High Blood Triglycerides and Abnormal
 13 Cholesterol Levels**

14 71. Paragraph 71 contains no allegations directed to Coca-Cola, and therefore no
 15 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 16 knowledge sufficient to admit or deny the allegations in Paragraph 71.

17 72. Paragraph 72 contains no allegations directed to Coca-Cola, and therefore no
 18 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 19 knowledge sufficient to admit or deny the allegations in Paragraph 72.

20 73. Paragraph 73 contains no allegations directed to Coca-Cola, and therefore no
 21 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 22 knowledge sufficient to admit or deny the allegations in Paragraph 73.

23 74. Paragraph 74 contains no allegations directed to Coca-Cola, and therefore no
 24 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 25 knowledge sufficient to admit or deny the allegations in Paragraph 74.

26 75. Paragraph 75 contains no allegations directed to Coca-Cola, and therefore no
 27 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 28 knowledge sufficient to admit or deny the allegations in Paragraph 75.

1 76. Paragraph 76 contains no allegations directed to Coca-Cola, and therefore no
 2 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 3 knowledge sufficient to admit or deny the allegations in Paragraph 76.

4 77. Paragraph 77 contains no allegations directed to Coca-Cola, and therefore no
 5 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 6 knowledge sufficient to admit or deny the allegations in Paragraph 77.

7 78. Paragraph 78 contains no allegations directed to Coca-Cola, and therefore no
 8 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 9 knowledge sufficient to admit or deny the allegations in Paragraph 78.

10 79. Paragraph 79 contains no allegations directed to Coca-Cola, and therefore no
 11 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 12 knowledge sufficient to admit or deny the allegations in Paragraph 79.

13 80. Paragraph 80 contains no allegations directed to Coca-Cola, and therefore no
 14 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 15 knowledge sufficient to admit or deny the allegations in Paragraph 80.

16 **H. Juice Consumption Increases Risk of Hypertension**

17 81. Paragraph 81 contains no allegations directed to Coca-Cola, and therefore no
 18 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 19 knowledge sufficient to admit or deny the allegations in Paragraph 81.

20 82. Paragraph 82 contains no allegations directed to Coca-Cola, and therefore no
 21 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 22 knowledge sufficient to admit or deny the allegations in Paragraph 82.

23 83. Paragraph 83 contains no allegations directed to Coca-Cola, and therefore no
 24 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 25 knowledge sufficient to admit or deny the allegations in Paragraph 83.

26 84. Paragraph 84 contains no allegations directed to Coca-Cola, and therefore no
 27 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 28 knowledge sufficient to admit or deny the allegations in Paragraph 84.

I. Juice Consumption is Associated with Increased All-Cause Mortality

85. Paragraph 85 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 85.

J. Because of the Compelling Evidence that Consuming Juice is Unhealthy, Authoritative Bodies Recommend Limiting its Consumption

86. Paragraph 86 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 86.

87. Paragraph 87 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 87.

88. Paragraph 88 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 88.

89. Paragraph 89 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 89.

90. Paragraph 90 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 90.

91. Paragraph 91 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 91.

III. COCA-COLA'S REPRESENTATIONS AND OMISSIONS ON THE JUICE BOXES ARE FALSE AND MISLEADING

A. Coca-Cola's Health & Wellness Messages and Images on the Juice Boxes are

Likely to Deceive Reasonable Consumers

92. Paragraph 92 contains legal conclusions and therefore no response is required.

Coca-Cola further notes that the Court has already dismissed Plaintiff's claims related to the "Good For You" representation (Dkt. No. 50). To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 92.

93. Paragraph 93 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 93.

94. Coca-Cola denies the allegations in Paragraph 94.

95. Paragraph 95 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 95.

96. Paragraph 96 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 96.

97. Paragraph 97 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 97.

98. Paragraph 98 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the allegations in Paragraph 98.

99. Paragraph 99 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 99.

100. Paragraph 100 contains legal conclusions and therefore no response is required. Coca-Cola further notes that the Court has already dismissed Plaintiff's claims related to the "Good For You" representation (Dkt. No. 50). To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 100.

101. Paragraph 101 contains no allegations directed to Coca-Cola, and therefore no response is required. To the extent a response is deemed required, Coca-Cola lacks information or

1 knowledge sufficient to admit or deny the allegations in Paragraph 101.

2 102. Paragraph 102 contains no allegations directed to Coca-Cola, and therefore no
3 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
4 knowledge sufficient to admit or deny the allegations in Paragraph 102.

5 103. Paragraph 103 contains no allegations directed to Coca-Cola, and therefore no
6 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
7 knowledge sufficient to admit or deny the allegations in Paragraph 103.

8 104. Paragraph 104 contains no allegations directed to Coca-Cola, and therefore no
9 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
10 knowledge sufficient to admit or deny the allegations in Paragraph 104.

11 105. Paragraph 105 contains no allegations directed to Coca-Cola, and therefore no
12 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
13 knowledge sufficient to admit or deny the allegations in Paragraph 105.

14 106. Paragraph 106 contains no allegations directed to Coca-Cola, and therefore no
15 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
16 knowledge sufficient to admit or deny the allegations in Paragraph 106.

17 107. Coca-Cola denies the allegations in Paragraph 107.

18 108. Coca-Cola denies the allegations in Paragraph 108.

19 109. Coca-Cola denies the allegations in Paragraph 109.

20 110. Coca-Cola denies the allegations in Paragraph 110.

21 111. Paragraph 111 contains legal conclusions and therefore no response is required.
22 Coca-Cola further notes that the Court has already dismissed Plaintiff's claims related to the
23 "Good For You" representation (Dkt. No. 50). To the extent a response is deemed required, Coca-
24 Cola denies the allegations in Paragraph 111.

25 **B. Coca-Cola Deceptively Omits Material Information**

26 112. Paragraph 112 contains legal conclusions and therefore no response is required. To
27 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 112.

28 113. Paragraph 113 contains legal conclusions and therefore no response is required. To

1 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 113.

2 114. Paragraph 114 contains legal conclusions and therefore no response is required. To
3 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 114.

4 115. Paragraph 115 contains legal conclusions and therefore no response is required. To
5 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 115.

6 116. Paragraph 116 contains legal conclusions and therefore no response is required. To
7 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 116.

8 117. Coca-Cola denies the allegations in Paragraph 117.

9 **IV. THE JUICE BOXES' LABELING VIOLATES CALIFORNIA AND FEDERAL
10 LAW**

11 118. Paragraph 118 contains legal conclusions and therefore no response is required. To
12 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 118.

13 119. Paragraph 119 contains legal conclusions and therefore no response is required. To
14 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 119.

15 120. Paragraph 120 contains legal conclusions and therefore no response is required. To
16 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 120.

17 121. Paragraph 121 contains legal conclusions and therefore no response is required. To
18 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 121.

19 122. Paragraph 122 contains legal conclusions and therefore no response is required. To
20 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 122.

21 123. Paragraph 123 contains legal conclusions and therefore no response is required.
22 Coca-Cola respectfully refers the Court to 21 C.F.R. §§ 104.20 for a full and accurate recitation of
23 its provisions.

24 124. Coca-Cola admits that it fortifies the Juice Boxes with vitamin C.

25 125. Paragraph 125 contains legal conclusions and therefore no response is required. To
26 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 125.

27 126. Paragraph 126 contains legal conclusions and therefore no response is required. To
28 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 126.

1 127. Paragraph 127 contains legal conclusions and therefore no response is required. To
 2 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 127.

3 128. Paragraph 128 contains legal conclusions and therefore no response is required. To
 4 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 128.

5 **V. PLAINTIFF'S PURCHASE, RELIANCE, AND INJURY**

6 129. Paragraph 129 contains no allegations directed to Coca-Cola, and therefore no
 7 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 8 knowledge sufficient to admit or deny the allegations in Paragraph 129.

9 130. Paragraph 130 contains no allegations directed to Coca-Cola, and therefore no
 10 response is required. Coca-Cola further notes that the Court has already dismissed Plaintiff's
 11 claims related to the "Good For You" representation (Dkt. No. 50). To the extent a response is
 12 deemed required, Coca-Cola lacks information or knowledge sufficient to admit or deny the
 13 allegations in Paragraph 130.

14 131. Coca-Cola lacks information or knowledge sufficient to admit or deny the allegation
 15 in Paragraph 131 about what Plaintiff "believed." Paragraph 131 also contains legal conclusions
 16 and therefore no response is required. To the extent a response is deemed required, Coca-Cola
 17 denies the allegations in Paragraph 131.

18 132. Paragraph 132 contains legal conclusions and therefore no response is required. To
 19 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 132.

20 133. Paragraph 133 contains no allegations directed to Coca-Cola, and therefore no
 21 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
 22 knowledge sufficient to admit or deny the allegations in Paragraph 133.

23 134. Paragraph 134 contains no allegations directed to Coca-Cola, and therefore no
 24 response is required. To the extent a response is deemed required, Coca-Cola denies the
 25 allegations in Paragraph 134.

26 135. Paragraph 135 contains legal conclusions and therefore no response is required. To
 27 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 135.

28 136. Coca-Cola lacks information or knowledge sufficient to admit or deny the allegation

1 in Paragraph 136 about Plaintiff's actions. Paragraph 136 also contains legal conclusions and
2 therefore no response is required. To the extent a response is deemed required, Coca-Cola denies
3 the allegations in Paragraph 136.

4 137. Paragraph 137 contains legal conclusions and therefore no response is required. To
5 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 137.

6 138. Paragraph 138 contains legal conclusions and therefore no response is required. To
7 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 138.

8 139. Paragraph 139 contains no allegations directed to Coca-Cola, and therefore no
9 response is required. To the extent a response is deemed required, Coca-Cola denies the
10 allegations in Paragraph 139.

11 140. Paragraph 140 contains legal conclusions and therefore no response is required. To
12 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 140.

13 141. Paragraph 141 contains legal conclusions and therefore no response is required. To
14 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 141.

15 142. Coca-Cola denies the allegations in Paragraph 142.

16 143. Paragraph 143 contains legal conclusions and therefore no response is required. To
17 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 143.

18 144. Paragraph 144 also contains legal conclusions and therefore no response is required.
19 Coca-Cola further notes that the Court has already dismissed Plaintiff's claim for injunctive relief
20 (Dkt. No. 50). To the extent a response is deemed required, Coca-Cola denies the allegations in
21 Paragraph 144.

22 145. Paragraph 145 also contains legal conclusions and therefore no response is required.
23 Coca-Cola further notes that the Court has already dismissed Plaintiff's claim for injunctive relief
24 (Dkt. No 50). To the extent a response is deemed required, Coca-Cola denies the allegations in
25 Paragraph 145.

26 146. Paragraph 146 contains legal conclusions and therefore no response is required. To
27 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 146.

28 147. Paragraph 147 contains legal conclusions and therefore no response is required. To

1 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 147.

2 **CLASS ACTION ALLEGATIONS**

3 148. Paragraph 148 contains no allegations directed to Coca-Cola, and therefore no
4 response is required. To the extent a response is deemed required, Coca-Cola lacks information or
5 knowledge sufficient to admit or deny the allegations in Paragraph 148.

6 149. Paragraph 149 contains legal conclusions and therefore no response is required. To
7 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 149.

8 150. Paragraph 150 contains legal conclusions and therefore no response is required. To
9 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 150.

10 151. Paragraph 151 contains legal conclusions and therefore no response is required. To
11 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 151.

12 152. Paragraph 152 contains legal conclusions and therefore no response is required. To
13 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 152.

14 153. Paragraph 153 contains legal conclusions and therefore no response is required. To
15 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 153.

16 154. Paragraph 154 contains legal conclusions and therefore no response is required. To
17 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 154.

18 155. Paragraph 155 contains legal conclusions and therefore no response is required. To
19 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 155.

20 156. Paragraph 156 contains legal conclusions and therefore no response is required. To
21 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 156.

22 **CAUSES OF ACTION**

23 **FIRST CAUSE OF ACTION**

24 **Violations of the Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200 *et seq.***

25 157. Coca-Cola incorporates its responses and denials to the foregoing allegations in
26 response to Paragraph 157.

27 158. Paragraph 158 contains legal conclusions and therefore no response is required.
28 Coca-Cola respectfully refers the Court to Cal. Bus. & Prof. Code § 17200 for a full and accurate

1 recitation of its provisions.

2 159. Coca-Cola denies the allegations in Paragraph 159.

3 **Fraudulent**

4 160. Paragraph 160 contains legal conclusions and therefore no response is required.
5 Coca-Cola respectfully refers the Court to Cal. Bus. & Prof. Code § 17200 for a full and accurate
6 recitation of its provisions.

7 161. Paragraph 161 contains legal conclusions and therefore no response is required. To
8 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 161.

9 **Unlawful**

10 162. Paragraph 162 contains legal conclusions and therefore no response is required. To
11 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 162.

12 **Unfair**

13 163. Coca-Cola denies the allegations in Paragraph 163.

14 164. Coca-Cola denies the allegations in Paragraph 164.

15 165. Coca-Cola denies the allegations in Paragraph 164.

16 166. Coca-Cola denies the allegations in Paragraph 165.

17 167. Paragraph 167 contains allegations not directed to Coca-Cola, and therefore no
18 response is required. The remainder of Paragraph 167 contains legal conclusions and therefore no
19 response is required. To the extent a response is deemed required, Coca-Cola denies the
20 allegations in Paragraph 167.

21 168. Paragraph 168 contains legal conclusions and therefore no response is required. To
22 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 168.

23 169. Paragraph 169 contains allegations not directed to Coca-Cola for which no response
24 is required. The remainder of Paragraph 169 contains legal conclusions, and therefore no response
25 is required. Coca-Cola further notes that the Court has already dismissed Plaintiff's claim for
26 injunctive relief (Dkt. No. 50). To the extent a response is deemed required, Coca-Cola denies the
27 allegations in Paragraph 169.

28 170. Paragraph 170 contains allegations not directed to Coca-Cola for which no response

1 is required. The remainder of Paragraph 170 contains legal conclusions, and therefore no response
 2 is required. To the extent a response is deemed required, Coca-Cola denies the allegations in
 3 Paragraph 170.

4 171. Paragraph 171 contains allegations not directed to Coca-Cola for which no response
 5 is required. The remainder of Paragraph 171 contains legal conclusions, and therefore no response
 6 is required. To the extent a response is deemed required, Coca-Cola denies the allegations in
 7 Paragraph 171.

8 **SECOND CAUSE OF ACTION**

9 **Violations of the False Advertising Law, Cal. Bus. & Prof. Code §§ 17500 *et seq.***

10 172. Coca-Cola incorporates its responses and denials to the foregoing allegations in
 11 response to Paragraph 172.

12 173. Paragraph 173 contains legal conclusions and therefore no response is required.
 13 Coca-Cola respectfully refers the Court to Cal. Bus. & Prof. Code § 17500 for a full and accurate
 14 recitation of its provisions.

15 174. Paragraph 174 contains legal conclusions and therefore no response is required.
 16 Coca-Cola respectfully refers the Court to Cal. Bus. & Prof. Code § 17500 for a full and accurate
 17 recitation of its provisions.

18 175. Paragraph 175 contains legal conclusions and therefore no response is required. To
 19 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 175.

20 176. Paragraph 176 contains legal conclusions and therefore no response is required. To
 21 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 176.

22 177. Paragraph 177 contains legal conclusions and therefore no response is required. To
 23 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 177.

24 178. Coca-Cola denies the allegations in Paragraph 178.

25 179. Paragraph 179 contains legal conclusions and therefore no response is required. To
 26 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 179.

27 180. Paragraph 180 contains allegations not directed to Coca-Cola for which no response
 28 is required. The remainder of Paragraph 180 contains legal conclusions, and therefore no response

1 is required. Coca-Cola further notes that the Court has already dismissed Plaintiff's claim for
2 injunctive relief (Dkt. No. 50). To the extent a response is deemed required, Coca-Cola denies the
3 allegations in Paragraph 180.

4 181. Paragraph 181 contains allegations not directed to Coca-Cola for which no response
5 is required. The remainder of Paragraph 181 contains legal conclusions, and therefore no response
6 is required. To the extent a response is deemed required, Coca-Cola denies the allegations in
7 Paragraph 181.

8 **THIRD CAUSE OF ACTION**

9 **Violations of the Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750 *et seq.***

10 182. Coca-Cola incorporates its responses and denials to the foregoing allegations in
11 response to Paragraph 182.

12 183. Paragraph 183 contains allegations not directed to Coca-Cola for which no response
13 is required. The remainder of Paragraph 183 contains legal conclusions, and therefore no response
14 is required. Coca-Cola respectfully refers the Court to the CLRA for a full and accurate recitation
15 of its provisions.

16 184. Paragraph 184 contains legal conclusions and therefore no response is required. To
17 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 184.

18 185. Coca-Cola denies the allegations in Paragraph 185.

19 186. Coca-Cola denies the allegations in Paragraph 186.

20 187. Coca-Cola denies the allegations in Paragraph 187.

21 188. Paragraph 188 contains allegations not directed to Coca-Cola for which no response
22 is required. The remainder of Paragraph 188 contains legal conclusions, and therefore no response
23 is required. To the extent a response is deemed required, Coca-Cola denies the allegations in
24 Paragraph 188.

25 189. Paragraph 189 contains legal conclusions and therefore no response is required. To
26 the extent a response is deemed required, Coca-Cola admits that Plaintiff filed an affidavit of
27 venue on March 31, 2023.

FOURTH CAUSE OF ACTION

Breaches of Express Warranties, Cal. Com. Code § 2313(1)

190. Coca-Cola incorporates its responses and denials to the foregoing allegations in response to Paragraph 190.

191. Coca-Cola denies the allegations in Paragraph 191.

192. Coca-Cola lacks information or knowledge sufficient to admit or deny the allegation in Paragraph 192 about Plaintiff's purchases. Paragraph 192 also contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 192.

193. Coca-Cola denies the allegations in Paragraph 193.

194. Coca-Cola denies the allegations in Paragraph 194.

195. Paragraph 195 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 195.

FIFTH CAUSE OF ACTION

Breach of Implied Warranty of Merchantability, Cal. Com. Code § 2314

196. Coca-Cola incorporates its responses and denials to the foregoing allegations in response to Paragraph 196.

197. Coca-Cola denies the allegations in Paragraph 197.

198. Coca-Cola denies the allegations in Paragraph 198.

199. Coca-Cola denies the allegations in Paragraph 199.

200. Coca-Cola denies the allegations in Paragraph 200.

201. Paragraph 201 contains legal conclusions and therefore no response is required. To the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 201.

SIXTH CAUSE OF ACTION

Negligent Misrepresentation

202. Coca-Cola incorporates its responses and denials to the foregoing allegations in response to Paragraph 202.

203. Coca-Cola denies the allegations in Paragraph 203.

1 204. Coca-Cola denies the allegations in Paragraph 204.

2 205. Coca-Cola denies the allegations in Paragraph 205.

3 206. Coca-Cola denies the allegations in Paragraph 206.

4 207. Paragraph 207 contains legal conclusions and therefore no response is required. To
5 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 207.

6 208. Coca-Cola incorporates its responses and denials to the foregoing allegations in
7 response to Paragraph 202.

8 209. Coca-Cola lacks information or knowledge sufficient to admit or deny the allegation
9 in Paragraph 209 about consumers' reliance. Coca-Cola denies the allegations in the remainder of
10 Paragraph 209.

11 210. Coca-Cola denies the allegations in Paragraph 210.

12 211. Coca-Cola lacks information or knowledge sufficient to admit or deny the allegation
13 in Paragraph 211 about Plaintiff's actions. The remainder of Paragraph 211 contains legal
14 conclusions and therefore no response is required. To the extent a response is deemed required,
15 Coca-Cola denies the allegations in Paragraph 211.

16 212. Coca-Cola denies the allegations in Paragraph 212.

17 213. Coca-Cola denies the allegations in Paragraph 213.

18 214. Paragraph 214 contains legal conclusions and therefore no response is required. To
19 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 214.

20 215. Paragraph 215 contains legal conclusions, and therefore no response is required. To
21 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 215.

22 216. Paragraph 216 contains legal conclusions and therefore no response is required. To
23 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 216.

24 **SEVENTH CAUSE OF ACTION**

25 **Intentional Misrepresentation**

26 217. Coca-Cola incorporates its responses and denials to the foregoing allegations in
27 response to Paragraph 217.

28 218. Coca-Cola denies the allegations in Paragraph 218.

1 219. Paragraph 219 contains legal conclusions and therefore no response is required. To
2 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 219.

3 220. Coca-Cola denies the allegations in Paragraph 220.

4 221. Coca-Cola denies the allegations in Paragraph 221.

5 222. Paragraph 222 contains legal conclusions, and therefore no response is required. To
6 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 222.

7 223. Paragraph 223 contains legal conclusions and therefore no response is required. To
8 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 223.

9 **EIGHTH CAUSE OF ACTION**

10 **Unjust Enrichment**

11 224. Coca-Cola incorporates its responses and denials to the foregoing allegations in
12 response to Paragraph 224.

13 225. Coca-Cola denies the allegations in Paragraph 225.

14 226. Paragraph 226 contains legal conclusions and therefore no response is required. To
15 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 226.

16 227. Paragraph 227 contains legal conclusions and therefore no response is required. To
17 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 227.

18 228. Paragraph 228 contains legal conclusions and therefore no response is required. To
19 the extent a response is deemed required, Coca-Cola denies the allegations in Paragraph 228.

20 **PRAYER FOR RELIEF**

21 229. Coca-Cola denies that Plaintiff and/or any of the putative class members are entitled
22 to relief, including but not limited to the relief sought in subparts a-h of Paragraph 229. Coca-
23 Cola specifically denies that any class or classes can or should be certified.

24 **JURY DEMAND**

25 230. Paragraph 230 contains no allegations directed to Coca-Cola, and therefore no
26 response is required.

27 **AFFIRMATIVE DEFENSES**

28 Coca-Cola sets forth below its affirmative defenses. By setting forth these affirmative

1 defenses, Coca-Cola does not assume the burden of proving any fact, issue, or element of a cause
2 of action where such burden properly belongs to Plaintiff. Moreover, nothing stated herein is
3 intended or should be construed as an acknowledgement that any particular issue or subject matter
4 necessarily is relevant to Plaintiff's allegations.

5 **FIRST AFFIRMATIVE DEFENSE**

6 **(Preemption)**

7 The claims in the Complaint are barred, in whole or in part, because they are preempted by
8 federal law.

9 **SECOND AFFIRMATIVE DEFENSE**

10 **(Primary / Exclusive Jurisdiction)**

11 The claims in the Claims are barred, in whole or in part, by the doctrines of primary and/or
12 exclusive regulatory agency jurisdiction.

13 **THIRD AFFIRMATIVE DEFENSE**

14 **(Safe Harbor)**

15 The claims in the Claims are barred, in whole or in part, by California's safe harbor
16 doctrine because Coca-Cola's conduct, at all relevant times and places, was in compliance with
17 applicable law and industry standards.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 **(Lack of Standing)**

20 Plaintiff's and putative class members' claims are barred, in whole or in part, by lack of
21 standing and failure to establish any cognizable injury.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 **(Speculative or Uncertain Damages)**

24 Plaintiff fails to and cannot prove money damages with any degree of certainty sufficient
25 to permit recovery of damages.

26 **SIXTH AFFIRMATIVE DEFENSE**

27 **(Adequate Remedy at Law)**

28 Plaintiff's and putative class members' equitable claims are barred, in whole or in part, to

1 the extent there is an adequate remedy at law.

2 **SEVENTH AFFIRMATIVE DEFENSE**

3 **(No Duty to Disclose)**

4 Plaintiff's claims are barred, in whole or in part, because Coca-Cola was not under a legal
5 duty to disclose the allegedly concealed facts.

6 **EIGHTH AFFIRMATIVE DEFENSE**

7 **(No Class Action)**

8 To the extent Plaintiff seeks to certify a class action based on alleged violations of
9 California's Unfair Competition Law ("UCL"), False Advertising Law ("FAL"), and California
10 Consumers Legal Remedies Act ("CLRA"), Plaintiff has failed to satisfy the requirements set
11 forth in Fed. R. Civ. P. 23.

12 **NINTH AFFIRMATIVE DEFENSE**

13 **(Voluntary Payment)**

14 The claims in the Complaint are barred by the voluntary payment doctrine.

15 **TENTH AFFIRMATIVE DEFENSE**

16 **(Statute of Limitations or Repose)**

17 The claims in the Complaint are barred, in whole or in part, by the applicable statutes of
18 limitations or repose.

19 **ELEVENTH AFFIRMATIVE DEFENSE**

20 **(Equity)**

21 The claims in the Complaint are barred, in whole or in part, by principles of equity.

22 **TWELFTH AFFIRMATIVE DEFENSE**

23 **(California Civil Code § 1781)**

24 To the extent Plaintiff seeks to certify a class action based on alleged violations of the
25 CLRA, Cal. Civ. Code, § 1750 et seq., Plaintiff has failed to satisfy the requirements set forth in
26 California Civil Code § 1781.

THIRTEENTH AFFIRMATIVE DEFENSE

(California Civil Code § 1782)

To the extent Plaintiff and putative class members seek damages for alleged violations of the CLRA, Plaintiff has failed to satisfy the prerequisites set forth in California Civil Code § 1782.

FOURTEENTH AFFIRMATIVE DEFENSE

(California Civil Code § 1784)

To the extent Plaintiff and putative class members allege violations of the CLRA, Coca-Cola has a complete defense under California Civil Code § 1784.

FIFTEENTH AFFIRMATIVE DEFENSE

(Cal. Bus. & Prof. Code § 17200 *et seq.*)

Plaintiff's claims under the UCL, Business and Professions Code § 17200 et seq., are barred or limited, in whole or in part, by the terms of the UCL, or otherwise, and Coca-Cola is entitled to the defenses set forth therein.

SIXTEENTH AFFIRMATIVE DEFENSE

Defense

Plaintiff is not entitled to recover punitive damages from Coca-Cola under the applicable provisions of law, or any other damages that violate Coca-Cola's constitutional and due process rights.

SEVENTEENTH AFFIRMATIVE DEFENSE

Reservation of Additional Defenses

Coca-Cola reserves the right to raise any additional defenses, affirmative or otherwise, and any counterclaims which may become apparent through discovery in the course of this action. Coca-Cola further reserves all legal defenses that it may have against the putative class and against each member of the putative class.

1 Dated: November 22, 2023

2 /s/ Steven A. Zalesin _____

3 Steven A. Zalesin

4 sazalesin@pbwt.com

5 Jane Metcalf

6 jmetcalf@pbwt.com

7 Dakotah M. Burns

8 dburns@pbwt.com

9 PATTERSON BELKNAP WEBB & TYLER LLP

10 1133 Avenue of the Americas

11 New York, New York 10036

12 Phone: (212) 336-2000

13 Fax: (212) 336-2222

14 Gary T. Lafayette

15 glafayette@lkclaw.com

16 Brian H. Chun

17 bchun@lkclaw.com

18 LAFAYETTE & KUMAGAI LLP

19 1300 Clay Street, Suite 810

20 Oakland, California 94612

21 Phone: (415) 357-4600

22 Fax: (415) 357-4605

23 *Attorneys for Defendant The Coca-Cola Company*